



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



362917

REPLY TO THE ATTENTION OF:

SM-5J

OCT 07 1997

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Christopher R. Schraff
Porter, Wright, Morris & Arthur
41 South High Street
Columbus, Ohio 43215-6194

RE: The Toledo Tie Treatment Site in Toledo, Lucas County, Ohio.
General Notice of Potential Liability

Dear Mr. Schraff:

On October 2, 1997, the United States Environmental Protection Agency (U.S. EPA) informed you that U.S. EPA has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Develop and implement a site health and safety plan.
2. Implement appropriate site security measures.

3. Contain the creostoe contaminants that are migrating downstream in Williams Ditch and maintain the containment system until such time that the contaminant sources have been removed or controlled. Dispose off-site of any hazardous substances collected while maintaining the containment system.

U.S. EPA has received information that Kerr-McGee Chemical Corporation ("Kerr-McGee") is a successor corporation to the owner or operator of the facility and to the generator of the hazardous substances that were disposed of at the facility. By this letter, U.S. EPA notifies Kerr-McGee of its potential liability with regard to this matter and encourages Kerr-McGee, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, Kerr-McGee should notify U.S. EPA within three (3) days of receipt of this letter of its willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs for its oversight of these actions. Kerr McGee should contact Ralph Dollhopf, On-Scene Coordinator, at (313) 692-7682. A written response should also be sent to:

Evette Jones
U.S. EPA - Region 5
77 West Jackson Boulevard - SM-5J
Chicago, Illinois 60604

If U.S. EPA does not receive a timely response, U.S. EPA will assume that Kerr-McGee has declined to perform the above response activities.

If you need further information regarding this letter, you may contact Randa Bishlawi, of the U.S. EPA Office of Regional Counsel at (312) 353-8917. If you have any technical questions please contact Ralph Dollhopf at 313-692-7682.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to respond within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

A handwritten signature in cursive script that reads "Richard C. Karl". The signature is written in dark ink and is positioned above the typed name.

Richard C. Karl, Chief
Emergency Response Branch

Enclosure